

STAND. COM. REP. NO.

1805

Honolulu, Hawaii

APR 13 2007

RE: S.C.R. No. 48
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred
S.C.R. No. 48, S.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII
DISABILITY RIGHTS CENTER TO PROVIDE AN ANALYSIS OF THE LAWS
GOVERNING ITS ACCESS TO PATIENT RECORDS AND ITS POLICIES AND
PROCEDURES FOR CONDUCTING INVESTIGATIONS,"

begs leave to report as follows:

The purpose of this Concurrent Resolution is to request the
Hawaii Disability Rights Center to provide an analysis of the laws
governing its access to patient records and its policies and
procedures for conducting investigations.

This Concurrent Resolution also requests the Hawaii
Disability Rights Center to submit a report to the Legislature and
the Attorney General no later than twenty days prior to the
convening of the Regular Session of 2008 to include:

- (1) An outline of the federal authority that grants the
Hawaii Disability Rights Center access to:
 - (A) Facilities serving individuals with disabilities;
 - (B) Individuals with disabilities; and
 - (C) The records of the individuals with disabilities;



- (2) With the concurrence of the federal Administration on Developmental Disabilities, an analysis of the inter-relationship between the federal authority and the laws protecting the privacy of individuals and their records; and
- (3) A statement of its policies and procedures regarding the manner in which it conducts investigations of allegations of abuse or neglect of an individual with a disability, including how, when, and under what circumstances, the investigations are undertaken.

The Attorney General is requested to offer comments to the Legislature regarding the report. This Concurrent Resolution also urges the parties to the litigation between the Hawaii Disability Rights Center and the Opportunities for the Retarded, Inc. to amicably settle the pending litigation.

Your Committee received comments in support of this concurrent resolution from The ARC in Hawaii, the Hawaii Disability Rights Center, twenty-one officers, board members, staff, and individual supporters of Opportunities for the Retarded, Inc., and nine individuals.

Your Committee finds that clarification of the relationship between the laws mandating access to the records of an individual with developmental disabilities and mental illness to a protection and advocacy agency and the laws protecting the privacy of that individual is necessary.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 48, S.D. 1, and recommends its adoption.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



ROSALYN H. BAKER, Chair



